

REMARKS

Entry of the foregoing, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

By the foregoing amendment, claim 1 has been amended to recite that "R represents a hydrocarbon functional group derived from a fatty acid having 14-22 carbon atoms" Support for this amendment can be found in the originally filed application, for instance on page 8, lines 3-4 of the specification. Thus, no new matter has been added.

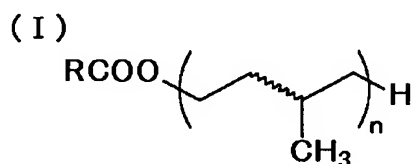
Before turning to the merits of the Office Action, it is noted that the disposition of claims in the Office Action Summary indicates that claims 10-21 have been rejected. However, on page 2 of the Office Action, the Examiner has indicated that claims 1-21 have been rejected. It is assumed that the indication in the Office Action Summary is a typographical error and thus, in abundance of caution, applicants will address the rejection below based upon claims 1-21 being rejected. Clarification by the Examiner of this point is respectfully requested in the next communication from the Examiner.

The only rejection in this application is that of claims 1-21 under 35 U.S.C. 101(b) as allegedly being clearly anticipated by WO 99/67809. This rejection is respectfully traversed.

It is well established that to be anticipatory, every element of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. See, e.g., *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 231 U.S.P.Q. 81,

90 (Fed. Cir. 1986). This requirement is not met with respect to the currently pending claims.

As discussed above, the claimed chain isoprenoid fatty acid esters are represented by the general formula (I):



wherein "R represents a hydrocarbon functional group derived from a fatty acid having 14 to 22 carbon atoms" The phrase "derived from a fatty acid" clarifies that the R substituent is a chain group including a linear or branched group. On the other hand, with respect to the isoprenoid fatty acid represented by the formula in claim 3 of WO 99/67809, R³ is a C5-C14 aryl when R² is -CO-R³. As the Examiner is well aware, "aryl" means a cyclic group derived from an aromatic hydrocarbon by removal of a hydrogen atom. Therefore, contrary to the Examiner's assertion, the isoprenoid compound disclosed in claim 3 (when R² is -CO-R³) does not disclose every element of applicants' claimed invention. Accordingly, the WO 99/67809 publication cannot anticipate applicants' claimed invention.

In view of the above, the Examiner is respectfully requested to withdraw the above rejection of claims 1-21 over the WO 99/67809 publication

Further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited

In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would


telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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